App. F. IX-4

1932.
(Miscl.)

File No. 250-32

Serial Nos. 1-3.

Previous References

May 250-32-4-e

Later References

Secy 1-Co.26-c(31-33.

General and Revenue Secretariat.

Serial Nos. 3

Part B for May 33.

SUBJECT.

Appeal re eviction of Shanmugam mudaliar from the precincts of Sri Karakatha Anjaneya Swamy Temple, Mysore Road Bangalore city

Shanmugam Mudaliar
Son of late Sri Raju Mudaliar
Native Director, Mysore Road
Bangalore city

Requests re petition

Serial No.	
1	Petition of 27.4.33 filed by Sri N. Bhimacharya Advocate on behalf of his client Shanmugam Mudaliar Native Doctor - Mysore road Bangalore city praying that records be called for and that order passed in the matter of evicting the petitioner from the premises of Sri Kasthuri Anjaneya Layout Bangalore.
2.	Petition of 27.4.33 filed by the same Advocate praying for stay of order passed by the Deputy Commissioner Bangalore dated and the Mysore Commissioner respectively in the matter pending the disposal of the appeal before Government.
	Against the order of the D.C passed in 1921, the petitioner preferred an appeal before the M.C on 14th March 1933. Nearly 12 years after the date of the D.C's order in the matter & after a silence of nearly 10 years he submitted a petn before the M.C only a month after the petn was rejected. It is said that if he were really interested in the layout & the deeds of the Sharnbhimalt of in the stay order petn, he would have preferred an appeal before the M.C in time after receipt of D.C's order.

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8 31

It is not therefore whether this is a private institution or a municipal one. He says that the trouble was created by his father out of his own funds — In these circumstances a report will be called for & appd —

The request for a stay order —

on orders —

GJ 2-7-14

No stay order seems necessary. The records perhaps may be called for & perused.

I 1/5/33

II Member)

Does not seem a fit case & even calling for records may be rejected

J 3/5

1/3/5

Dlk ordered —

GS 8/5

I 2/9/5

No 1643 of 12-5-33 to Mr Shanmugha Mudaliar — Mysore Road Bangalore with 3 copies intimating that his petition is rejected.

No 1644 of 12-5-33 to Mr Bhimasangya Advocate for the petitioner forwarding copy of the above Endorsement for information —

No 1645 of 12/5/33 to the Municipal

Secretariat Council. 17.3.3 No. 7.2.6.9.

1172 Mis ABM 2026 of 32-33

General and Revenue Secretariat

File No. 250 of 1932.

[App. F. III—2

Serial No.

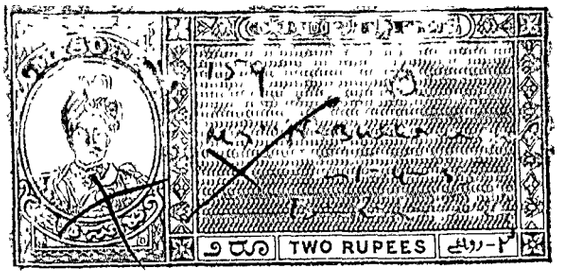
Commissioner forwarding for the Copy of the above Endorsement given to the appeal petitioner —

B
1715

NOTE—Contn.-Sheet.

WD 70—GBPM—60,000—13-8-31

File No. of 193 . General and R Secretariat



Mys 250-32-1

GENL & REV. SECTT. BANGALORE
1176
27 APR. 1933

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE BANGALORE.

~~R.C.A.~~ No. 26 of 1932-33.

Appellant:- Shanmugam Mudliar, Son of Late Raju Mudliar, Age 40, Native Doctor, residing at- Mysore Road, BANGALORE CITY.

-:(VS):-

Respondant:- The Muzarai Commissioner in Mysore Bangalore.

Presented by Mr. N. Bheemacharya advocate. 27/4/33

Under Section ~~of the~~ 12 ~~R.C.~~ Act & R. Code & Civil Cases

The Appellant above named begs to pray as follows:-

That this Appellant in preferring this appeal against the orders of the learned - Muzarai Commissioner in Mysore, Bangalore in Appeal No. I7 of 3I-32, passed on 30-3-I933, begs to set-forth the following grounds of Appeal among others.

GROUNDS OF APPEAL:-

(I). That the learned Muzarai Commissioner ought to have held that this Appellant, both by lapse of time, and under the circumstances detailed in his memorandum of Appeal, was - entitled to reside in the said Temple premises, of the po tion built by him, under the same terms as before.

(2). That the learned Muzarai Commissioner's order, rejecting the Appeal in No. I7 of 3I-32

P.T.O.

on the ground of limita ion, without giving opportunity to the Appe lant, to submit his grounds there-of is un- ustainable.

(3). That the learned Muzarai Commissioner, ought to have held that this Appeal was quite in time, having regard to Section 5 of the - Limitation Act. and Sect 212 of the Land Revenue Code cancelled Wbm

(4). That the learned Muzarai Commissioner's order rejecting the Appeal, without considering other grounds raised there-in, is opposed to both Law and Equity as well as the facts in the case.

Hence the humble Appellant prays that the Benign Government of His Highness the Maharaja - of Mysore be pleased, to call for the records in R.A. No. 17 of 31-32, on the file of the Muzarai Commissioner in Mysore Bangalore, to examine the correctness and the legality of the order, and then set aside the said order, which is wholly unmaintainable and is opposed to law., and May all further proceedings consulting on the dismissal of the said ~~as~~ of Shanmugamudaliar

BANGALORE.)
Dated. 27-4- 1933.)

APPELIANT.

N Bheema Shetty
Advocate for Appellant

Office of the Muzrai Commissioner in Mysore.

No..... *Dated, Bangalore,* 30th March *193* 3.

Endorsement *granted to.* Shanmugam Mudaliar residing in Karekalu

Petition Register No. App.17/31-32

Dated 14th March 33.

Subject :—

Appeal against the Bangalore District Deputy Commissioner's order directing the eviction of the appellant from the premises of the Sri Karekalu Anjaneya Temple, Bangalore.

Anjaneya temple, Mysore Road,

Bangalore

.....

.....

.....*in reply to his Petition Register No. as per margin.*

The Petitioner is informed that the order in appeal being one passed by the Deputy Commissioner in 1921, his appeal is rejected as being far out of time.

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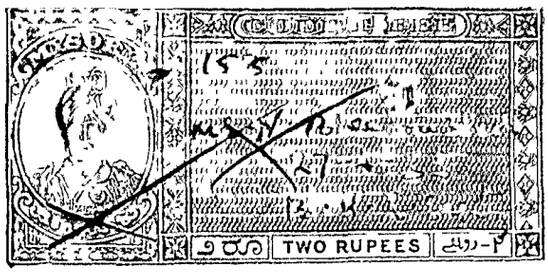
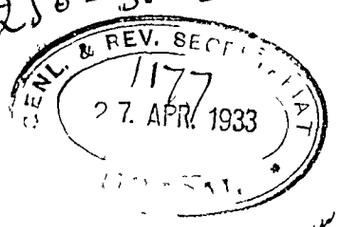
For *Muzrai Commissioner.*

WD 0425—GPB—100—25-11-31



Muz 250-32-2



Presented by
Mr. N. Bheemasharya
advocate
27/4/33

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA IN MYSORE BANGALORE.

R. A. No. of 1932-33.

Appellant:- Shanmugam Mudliar, Son of late Raju Mudliar, age 40, residing at Mysore Road, Bangalore City.

-:(VS):-

Respondant:- The Muzarai Commissioner in Mysore, Bangalore.

Under Section of the

Application for stay of the order.

The Appellant abovenamed has preferred the annexed appeal against the exparte order - passed by the Muzarai Commissioner in Appeal - No. I7 of 3I-32, and pending the disposal of the Appeal, the Appellant prays that the Government of His Highness the Maharja of Mysore be pleased to order that the execution of the said order be stayed in consideration of the following - grounds:-

(I). That the said order refereth to the vacating of the premises in Karekall Anganeya Temple- situated in Mysore road Bangalore City, occupied by the Appellant ever since his birth.

'2). That the Appellant's object in thus residing there is not only for his own-benefit, but with the pious obligation to render assistance to

P. T.O.

to the warshippers that visit the Temple.

(3). That the Temple building as well as the adjoining building he is residing were built by the Appellant's father out of his pocket funds.

(4). That the Appellant, who is a bachelor, is residing there-alone, devoting him-self for the cause of the poor and the needy in giving them free medical aid.

(5). That the Appellant is quite certain of establishing his right of residence in the said place, if only he is allowed to be heard in further support of his contentions.

(6). That the stay of the order, does in no way cause any hard-ship, injustice or loss to any party, on the other hand, in the event this prayer being not complied with the Appellant will be put to a - serious trouble, without having any scope for compensation, thereof.

(7). Hence the Appellant prays, that the execution of the learned Deputy Commissioner's order against which - the appeal was preferred in No. I7 of 3I-32, before the Muzarai Commissioner, be stayed, pending the disposal of this Appeal.

+ Shanmugamudaliar

BANGALORE.)
Dated, 27-4- 1933.)

APPELLANT.

V. Bheemaiah
Advt for Appellant

N. BHEEMACHARYA, B.A., LL.B.,
ADVOCATE

Before the Govt.
~~In The Court of The~~ of Mysore
Bangalore

R.A No. of 193 - 193

Plaintiff Petitioner Appellant		Defendant Opponent Respondent
Shanmuga Mudaliar	Vs	The Revenue Commissioner in Mysore Bangalore

The Petitioner above named do by these presents retains,

MR. N. BHEEMACHARYA, B.A., LL. B.,
ADVOCATE

to appear in the above case and to take all steps necessary in connection therewith and to conduct the same on My/our behalf to judgment

I/we further empower him to execute any decree or order that may be passed in My/our behalf, to recive from the court such sums of money as I/we may be entitled and grant receipts therefor; to withdraw or compromise the above case and fully represent Me/us in all his acts and to appoint if necessary substitutes to him in his absence

I/we also hereby undertake to pay all Fees costs and such other charges which may be incurred by him and to confirm and ratify all acts done by the said counsel in so doing.

Known to me and signed.
in my presence

N Bheemacharya

27/4/ ..1933

Y Shanmugamudaliar

Accepted

N Bheemacharya
Advocate for

BANGALORE

Sri Rama Press Mananvartheret, BangaloreCity

Before the Court of
His Highness the
Maharaja of Mysore

R. A No of 32-33

Appellant:- Shanmuga Mudaliar

Enclosures --

1) Memorandum of Appeal
2) Order Appealed against -
3) Vakalat
4) Stay Application

N. Bheema Chary BA BL
Advocate.
For Appellant

Appendix F G—1]

SUBJECT .....

.....

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Section 1/113

File No. 250-32

Serial No. 3

Diary No. of letter replied to ....

No. 1643

To

Mr Shanmugam Mudaliar
Son of late Raju Mudaliar
Native Doctor. Residing
at Mysore Road.
Bangalore City.

General and Revenue Secretariat

( )

the *193* .

Date of issue 12/5/33

Signed by B. Muddukrishnappa

With reference to his petn dy 27.4.33 appealing against the order in Misc Appl 17/31-3 dy 1.9.33 of the Magistrate Cantt re: his eviction from the premises of Sri Ramakrishnaiya & Sons Bangalore, Mr Shanmugam Mudaliar is informed that his petn is rejected.

B.D
9/5
For Pl Sec

List of enclosures.....

Copied by.....

Examined by.....

WD 0253—GPB—15,000—26-8-32

(P.T.O.)

11 1144 dt 12-5-33

City to Sri N Bhimacharya

Advocate for the Petitioner

B.O

4/9/5

For Issue

GS 1645 dt 12-5-33.

3/5 City to --- M.C. for information

B.O

4/9/5

For Issue